

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 12, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:08 p.m. The meeting was recessed at 2:56 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:06 p.m. with all Council Members present. The meeting was recessed at 5:16 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:27 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:52 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (gs)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Kathleen Russell of Saint Andrew's By-the-Sea.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES

ITEM-30: Tourism Week.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1230) ADOPTED AS RESOLUTION R-297948

Recognizing the importance of the visitor industry to San Diego's economy and quality of life;

Proclaiming May 10-18, 2003, to be "Tourism Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. - 2:32 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: National Salvation Army Week.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1203) ADOPTED AS RESOLUTION R-297949

Recognizing the Salvation Army for their long-standing dedication to enhance and enrich the quality of life in our City;

Proclaiming the week of May 12-18, 2003, to be "National Salvation Army Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:09 p.m. - 2:12 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: John Greif Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1346) ADOPTED AS RESOLUTION R-297950

Recognizing Dr. Greif for his outstanding contributions and service to the people
of San Diego;

Proclaiming May 12, 2003, to be "Dr. Jon Greif Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. - 2:17 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the
following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-
yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: Climate Wise Energy Partners Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1249)

ADOPTED AS RESOLUTION R-297951

Recognizing and appreciating the contributions of the San Diego Climate Wise-Energy Star® Business Partners to save energy and to improve the environment for the City of San Diego and its citizens;

Proclaiming May 12, 2003 to be “San Diego Climate Wise-Energy Star® Partners Day” in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 2:19 p.m. - 2:22 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

HEARING CLOSED, REFERRED TO CLOSED SESSION ON TUESDAY, MAY 13, 2003

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on May 13, 2003.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:32 p.m. - 2:37 p.m.)

ITEM-201: North Bay Area Request for Qualifications.

Property: An area consisting of approximately 95 acres of City-owned property in the Sports Arena/Midway District. The property is generally located north of Sports Arena Boulevard at the intersection of West Point Loma Boulevard and Southwest of Kurtz Street consisting of the following Assessor Parcels:

- 1) APN-441-160-04
- 2) APN-441-370-21
- 3) APN-441-590-04
- 4) APN-441-590-05
- 5) APN-441-590-06
- 6) APN-441-530-38
- 7) APN-441-540-18

City Negotiator: Real Estate Assets Director

Negotiating Parties: North Bay Village Partners LLC;
The Related Companies of California

Under Negotiation: Seeking direction on the submittals in response to a Request
for Qualifications.

Prior to Council discussion in Closed Session and in compliance with the Brown Act,
(California Government Code Section 54956.8) these issues are listed on the docket only
for public testimony.

There is no Council discussion of these items. The City Council's actions are:

**HEARING CLOSED, REFERRED TO CLOSED SESSION ON TUESDAY,
MAY 06, 2003**

1) Open the Public Hearing and accept testimony from any members of the public
wishing to address the Council on this subject; 2) Conclude and close the public
hearing; and 3) Refer the matter to Closed Session on May 13, 2003.

NOTE: Members of the public wishing to address the Council on these items should speak "in
favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:39 p.m. - 2:56 p.m.)

ITEM-250: Settlement of the Property Damage Claim of Ramon Ojeda, et al.
Claim File No. LP02-7773-2947-0954.

(R-2003-1237)

Adopted as Resolution R-297883.

A Resolution approved by the City Council in Closed Session on Tuesday, April 22, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$100,765.13 in complete settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of Ramon Ojeda, et al. on September 21, 2001.

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$67,408.70 made payable to Luth and Turley, Inc., in full settlement of all claims.

Aud. Cert. 2301097.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Notice of Pending Final Map Approval - Montecito - Unit 2 and Unit 3.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Montecito - Unit 2" and "Montecito - Unit 3," TM-99-0295, copies of which are available for public viewing at the office of the San Diego City Clerk. Said projects are located in the Rancho Encantado Precise Planning area southeasterly of Pomerado Road and Scripps Poway Parkway in Council District 7. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

- (1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval - "Pacific Highlands Ranch Unit No. 3".

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Pacific Highlands Ranch Unit No. 3, T.M. 99-1294, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Pacific Highlands Ranch Community Plan Area northeasterly of State Route 56 and Carmel Valley Road in Council District 1. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S400: There will be no Item S400 because the item will not be heard on Closed Session Agenda on May 12, 2003.

NON-DOCKET:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:52 p.m. in honor of the memory of:

Richard S. Allen, as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:50 p.m. - 6:52 p.m.)